UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Midori Hosokawa

(In the space above enter the full name(s) of the plaintiff(s).)

14 CV 06189

COMPLAINT

-against-

SAG/AFTRA, New York Local, Ms. Tae Je Simmons
Team Services, Ms. Karen Connelly
Dentsu McGarry Bowen LLC, Ms. Emily Diaz (Emilia)

Jury Trial: ☑ Yes ☐ No
(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

AUG 12 2014
PRO SE OFFICE

I. Parties in this complaint:

A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff

Name: Midori Hosokawa
Street Address: 400 W. 43rd St #17-O
County, City: New York,
State & Zip Code: N.Y. 10036
Telephone Number: (212)502-5241, (917)848-2060

B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name: SAG/AFTRA, NewYork Local (incl.) Ms. Tae Je Simmons
Street Address: 1900 Broadway 5th floor. ~~N.Y. N.Y 10023~~

See attachment

County, City New York,
State & Zip Code N.Y. 10023
Telephone Number (212)944-1030 ~~(212)82~~(3)

Defendant No. 2
Name Team Services, Employer representative Ms. Karen Costello
Street Address 901 W Alameda Ave Suite 100
County, City Burbank,
State & Zip Code CA 91506-2801
Telephone Number (818) 558-3261

Defendant No. 3
Name Dentsu McGarry Bowen LLC employer representative Ms. Emilia Diaz
Street Address 601 W. 26th St
County, City New York,
State & Zip Code N.Y 10001
Telephone Number (212)598-2900 / (212)488-4482

Defendant No. 4
Name
Street Address
County, City
State & Zip Code
Telephone Number

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than $75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal Questions ☐ Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? Breach of fiduciary duty of fair representation; the Union's conduct was arbitrary discriminatory, or in bad faith. On or about Feb 19th 2014, SAG-AFTRA, by its officers, agents & representatives has failed to refused to process of Midori Hosokawa's valid upgrade claim with due diligence.

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship

Defendant(s) state(s) of citizenship

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events.

Ignore below & See attachment please

You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? ~~New York, NY~~
Opera theater in Staten Island.

B. What date and approximate time did the events giving rise to your claim(s) occur?
Around Feb. 19th 2014, followed by filing 2nd formal TV commercial upgrade claims on Feb. 11th 2014

C. Facts: I filed an upgrade claim to SAG/AFTRA, NY Local TV commercial department representative, Angie Ruiz, 2nd time on Feb. 11th 2014 (from background performer to a Principal performer's status) because I did a job of Principal performer when I worked for "Verizon (wireless)" Droid TV commercial national spot on July 18th & 19th 2014. (I email as well as cc: Jeff Bennett at Legal department.

What happened to you?

Who did what?

Despite that the Union has its duty of fair representation & do due diligence, the Union failed to do it, ~~asking the final footages of TV commercial & providing me the same,~~ Union's asking the final footages (version) of TV commercial, & providing me, nor notifying me the same all the final footages of the commercial. Just as the Union failed on Aug. 27th 2014. I waited more than a week, but Angie or Jeff Bennett got back to me, but Angie Ruiz. She said it was already closed, & when I called hung up on me. Earlier Jan. 8th 2014 I spoke to Beth Haynes, National TV commercial dept. in CA, & her subordinate, Corvette told me what the Union's duty is, " due diligence ", but Beth Haynes, tried together with Sandy Kincaid, game me run around.

Was anyone else involved?

Who else saw what happened?

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

I have clear, all the evidence; voice memo, letter, email, marshaling It's on YouTube, all of the performers on the set, 7/18/7/19/14. as well as audience,

Rev. 05/2010

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation. Recovered all the money due me as Principal performer for Verizon (Wireless) Prod T.V. Commercial session fees & all the residuals for National Spots, Usages of Internet, Movie Theaters, Print work, Industrials, all the applicable fees, including late fees,
X tripple damages,
- punitive damages,
- legal costs,

Ignore & please
See: attachment
please

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 8th day of August, 2014.

Signature of Plaintiff [signature]

Mailing Address 400 W 43rd St #17-O
N.Y. N.Y 10036

Telephone Number 917-848-2060 / cell, 212-502-5241

Fax Number *(if you have one)* 212-502-5242

__Note__: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

__**For Prisoners:**__

I declare under penalty of perjury that on this _____ day of _________________, 20__, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff: ______________________________

Inmate Number ______________________________

A. Where did the events giving rise to your claim(s) occur?) Opera Theater on the Staten Island

B. What date and approximate time did the events giving rise to your claims(s)occur?

Around Feb.19th 2014, followed by the 2nd formal upgrade TV Commercial Upgrade claims I flied on Feb.11th 2014.

C. Facts: SAG/AFTRA breached its duty of fair representation; as a result, damages incurred to me, I am not getting paid for all the session fees, residuals for this national spot Droid TV Commercials as well as usage of Internet, and movie theaters, the rest of principal performers are currently earning.

I was hired as a background performer for this Union TV Commercial work for 2 days, July 18th and 19th 2013. However, I did a principal performer's job after I was placed right next to a female blond performer in the one seat arranged balcony and was given the key prop, "opera glasses" by the director and followed his instruction throughout the 2 shooting days. The commercial is about improved zoom in features similar to the functionality of opera glasses, which is embedded into droid phone camera. Balcony scene is contrast of Old World symbolized by opera glasses vs. New World by new technology. The Production Assistant informed me at the end that I was 99% upgradeable.

I filed the 1st upgrade claim on Aug.7th 2013, and Angie Ruiz informed me that I was not upgradeable after she sent me **only 1 You Tube version** on Aug.27th 2013 and **closed my case almost immediately without performing the Union's required Due Diligence**, which was to **ask all the final footages (=versions)** of Commercial to Advertising Agency and **provide me the same, but provided me only YouTube version** on Aug.27th 2013. Although she promised to set up an appointment for the Viewing, she refused to let me have access to all the footages. Thus, the Union breached its duty of fair representation, despite that I met the 3 criteria to be a principal performer set forth in the collective bargaining agreement.

Since multiple new versions were running on air and the validity of the claim is detected, I file the 2nd formal upgrade claims on February 11th 2014 to Angie Ruiz and Jeff Bennett Esq. On February 18th I left my voice message to Angie Ruiz and I was told that she would be there the next day and I believe it was the next day I spoke to her, but she did not try to deal with my claims, but said she would hang up on me if I talked about the closed claim, and eventually hang up on me.

Drop" the integrated new version which all the background performers were compensated as Integration fees (one time for background performers), back in September 2013 was a clear cut valid claim which I emailed but ignored by Angie Ruiz (cc: Lori Hunt), and then threatened by Lori Hunt, not to talk about it; if I continue talking about it, she would let the legal department do something about my membership, though Lori admitted that she viewed the video clip and my screen shot in the email, she did not let me talk, but hung up on me. I included that version in this formal upgrade claims I made on February 11th 2014, among which Super Bowl Version, Have we met episode Two Verizon Droid Ultra TV Commercial 2 etc.,

January 8th 2014 when I followed the advice of the performer, who had similar experience with his AT&T Commercial job, I called the national TV Commercial department in CA. He was told the same, he was not upgradeable and then he said he would sue the union, the union let him talk to the higher manager and he got his payment in 2 weeks.

Corvette well explained to me about what the union's duty and due diligence are and Beth Haynes, the manager acknowledged with me about what she said above bold typed explanation, but when I tried to seek out their assistance, Ms. Haynes as if I was notified in writing and verbally that I was supposed to talk to only *Angie Ruiz and their legal department, and Sandy Kincaid, her supervisor, she said she wound hang up on me, and tried to give me a runaround.

Ms. Hunt clearly acknowledged all of the above statement about the Union's duty and Due Diligence the bold typed above on July 18th and August 1st 2014. As well as Hawaii Executive Director, Ms. Hunt, too, stated that even thought the first upgrade Claim was not successful, as far as the validity of claim was notified, the union will take a look at it, to see whether it is upgradeable. According to the Hawaii Executive Director, it is transparency that if I requested to view the footages, the Union should let me, which is a customary claim procedure. Ms. Hunt even said no changes of the claim procedures the Union, so the Union arbitrarily, discriminatorily, invidiously and perfunctorily handled my cases. All the validity of the claims are verified and acknowledged by Verizon Wireless sales manager, sales representatives, Motorola marketing manager, iOS Senior Advisor, etc.,

Importantly, the Union closed my case way too prematurely without required its Due Diligence. When I get to the crucial point, Ms. Hunt always said, she would hang up on me, and she always did.

V. Relief:

Recovered all the money due me as a principal performer for this Verizon Droid National Spot Commercial, sessions fees, residuals, all the applicable fees, including late fees, all the applicable Usage, of Internet, movie theaters, etc., My images are kept as screen shots on the website, as well.

All the cost incurred to me so far when I handled this matter. Since I have been suffering from recurring pattern of behavior by SAG, AFTRA, SAG/AFTRA, as a result damages have been accumulated and negatively affected to the ordinary casting, and my steady income dropped significantly after Royal Pains in 2009, another unfair practice, in which I was prohibited to speak with Ms. Claire Tuck of Cohen Weiss &

Simon LLP, which is the law firm representing SAG/AFTRA, the attorney who was representing me for the upgrade arbitration case in 2010. I was never informed the truth, about what the producer was trying pay me without formal claims, so the producers must have been misinformed about my intention, then. Even after I filed a formal complaint about the ill handling by the Union staff, David Salvador and Victoria Pistone, the Union continued using the same staffs, which caused the Union to hire outside counsel due to conflict of interest. I ask for the consideration of proportionate compensation for all those damages in addition to Verizon Unfair practices.

August 8th 2014

Midori Hosokawa
400 W.43rd St. #17-O,
New York, NY 10036
Tel: 212-502-5241,
Cell: 917-848-2060,
Fax: 212-502-5242